

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 05-15708
Non-Argument Calendar

FILED
U.S. COURT OF APPEALS
ELEVENTH CIRCUIT
March 15, 2006
THOMAS K. KAHN
CLERK

D. C. Docket No. 05-00011-CV-2

RUSSELL MARKS,

Petitioner-Appellant,

versus

WARDEN JOSE VASQUEZ,

Respondent-Appellee.

Appeal from the United States District Court
for the Southern District of Georgia

(March 15, 2006)

Before TJOFLAT, DUBINA and HULL, Circuit Judges.

PER CURIAM:

On April 16, 1993, the United States District Court for the Western District

of Missouri, having accepted petitioner's plea of guilty to one count of conspiracy to distribute cocaine, in violation of 21 U.S.C. § 846, and one count of conspiracy to launder money, in violation of 18 U.S.C. § 371, sentenced petitioner to prison for life.¹ After unsuccessfully exhausting his remedies on direct appeal from his conviction, and under 28 U.S.C. § 2255 and Fed. R. Crim. P. 36, he petitioned the district court, pursuant to 28 U.S.C. § 2241, for a writ of habeas corpus vacating his sentence and conviction.²

On August 15, 2005, after considering the Warden's response and petitioner's submissions, the district court on August 15, 2005, entered an order denying the petition. Petitioner now appeals.

We find no merit in this appeal. The district court's order of August 15 constitutes a proper application of the law to the allegations of the petition.

AFFIRMED.

¹ The court's judgment indicates that petitioner was sentenced to "a total term life." We assume that the court sentenced petitioner to concurrent terms of life imprisonment on the § 846 count and five years on the § 371 count.

² Petitioner filed the petition in the Southern District of Georgia because he was incarcerated in Georgia at the time.